

### **Remarks/Arguments**

Reconsideration of this application in light of the above amendments and the following remarks is respectfully requested.

#### **Rejections under 35 U.S.C. § 102**

##### **Claims 1-5 and 31-32**

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2001/0034235 by Froula ("Froula"). Applicants submit that this reference does not anticipate the subject matter of claim 1 under 35 U.S.C. § 102(e). The PTO provides in MPEP § 2131 that to anticipate a claim, the reference must teach every element of the claim. Therefore, with respect to claim 1, to support a rejection under 35 U.S.C. § 102(e), Froula must teach each and every element of the claim. However, the Froula reference does not disclose:

1. A method for selective call blocking in a communications network during an access overload condition:

detecting a plurality of simultaneous access requests from a plurality of mobile terminals, wherein the number of access requests exceeds capacity of a portion of the communications network, and

transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing one or more service options or service option groups, or making calls of selected call types within the network,

wherein the subset of mobile terminals are identifiable by unique identity numbers.

For example, to satisfy the "transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing one or more service options or service option

groups, or making calls of selected call types within the network" element of claim 1, the Examiner pointed paragraph [0014] of Froula. Paragraph [0014] states in part that, "[p]rior to an attempt to establish access to the communication system, a mobile station receives the access parameters message carrying the control information, and uses the control information to determine if mobile access is allowed based on access type and the current capacity of an access channel." Thus, in Froula, the mobile station determines whether access is allowed. This is in direct contrast with claim 1, which requires transmitting to the plurality of mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing one or more service options or service option groups, or making calls of selected call types within the network. For at least this reason, the Examiner has not shown that Froula teaches each and every limitation of claim 1. Claim 1 should therefore be allowable along with claims 2-5 and 31-32, which depend from and further limit claim 1.

Claims 18-19, 21, 23, and 33-34

Claim 18 was rejected under 35 U.S.C. § 102(e) as being anticipated by Froula. Applicants submit that this reference does not anticipate the subject matter of claim 18 under 35 U.S.C. § 102(e). As stated above, the PTO provides in MPEP § 2131 that to anticipate a claim, the reference must teach every element of the claim. Therefore, with respect to claim 18, to support a rejection under 35 U.S.C. § 102(e), Froula must teach each and every element of the claim. However, Froula does not teach,

18. A node in a communications network, wherein the node has instructions for:

detecting a plurality of simultaneous access requests from a plurality of mobile terminals, wherein the number of access requests exceeds capacity of a portion of the communications network, and

transmitting to the plurality mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing the network for one or more service options or service option groups,

wherein the subset of mobile terminals are identifiable by unique identity numbers.

For example, in response to the limitation of “transmitting to the plurality mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing the network for one or more service options or service option groups,” the Examiner pointed to paragraph [0014] of Froula. Paragraph [0014] states in part that, “[p]rior to an attempt to establish access to the communication system, a mobile station receives the access parameters message carrying the control information, and uses the control information to determine if mobile access is allowed based on access type and the current capacity of an access channel.” Thus, in Froula, the mobile station determines whether access is allowed. This is in direct contrast with claim 18, which requires transmitting to the plurality mobile terminals a message indicating a subset of the plurality of mobile terminals, the mobile terminals in the subset being prevented from accessing the network for one or more service options or service option groups. For at least this reason, the Examiner has not shown a teaching of every element of claim 18. Claim 18 should therefore be allowable along with claims 19, 21, 23, and 33-34, which depend from and further limit claim 18.

Claims 24-30 and 35-36

Claim 24 was rejected under 35 U.S.C. § 102(e) as being anticipated by Froula. Applicants submits that this reference does not anticipate the subject matter of claim 24 under 35 U.S.C. § 102(e). As stated above, the PTO provides in MPEP § 2131 that to anticipate a claim, the reference must teach every element of the claim. Therefore, with respect to claim 24, to support a rejection under 35 U.S.C. § 102(e), Froula must contain all the elements of the claim. However, Froula does not disclose,

24. A communications device comprising:
  - a processor,
  - a radio transceiver coupled to the processor,
  - a memory coupled to the processor, wherein the memory contains

instructions for:

periodically receiving an access control message, and  
determining whether the mobile communications device is subject  
to restrictions to one or more service option or service option groups  
indicated by the access control message, if yes, then storing indicators in  
the memory for later use.

For example, in response to the limitation of "a memory coupled to the processor, wherein the memory contains instructions for: periodically receiving an access control message, and determining whether the mobile communications device is subject to restrictions to one or more service option or service option groups indicated by the access control message, if yes, then storing indicators in the memory for later use," the Examiner cited paragraph [0014] of Froula as supplying the teaching. Paragraph [0014] states in part that, "[p]rior to an attempt to establish access to the communication system, a mobile station receives the access parameters message carrying the control information, and uses the control information to determine if mobile access is allowed based on access type and the current capacity of an access channel." Thus, in Froula, the mobile station itself determines whether access is allowed. This is in direct contrast with claim 24, which requires determining whether the mobile communications device is subject to restrictions to one or more service option or service option groups indicated by the access control message. For at least this reason, Froula does not teach each and every element of claim 24. Claim 24 should therefore be allowable along with claims 25-30 and 35-36, which depend from and further limit claim 24.

#### Rejections Under 35 U.S.C. §103

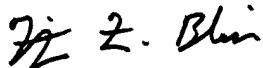
The Examiner has also rejected dependent claims 31-36 as unpatentable over Froula in combination with EP 982955. Applicants first point out that these claims depend from and further limit the base claims discussed above and should be allowable for at least the same reasons as the base claims. Secondly, the Examiner has not shown a proper motivation to combine the cited references to arrive at the claimed invention. The MPEP further provides at § 2143.01 that mere fact that references can be combined or modified

does not render the resultant combination obvious unless the prior art itself also suggests the desirability of the combination. For these reasons, at least, the 35 U.S.C. §103 rejections should be withdrawn.

**Conclusion**

It is clear from the foregoing that all pending claims are in condition for allowance. Should the Examiner feel that any further amendment is needed to place the application in condition for allowance, she is invited to contact the undersigned.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2004.



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